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CONCORD, N.H.

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September 16

His Excellency, Blaylock Atherton,
Acting Governor of New Hampshire
State House
Concord, New Hampshire

Dear Sir:

You have inquired whether the emergency fund may legally be used to supplement the funds appropriated by the Legislature for travel expense of the Board of Fire Control. It is my opinion that under circumstances presently existing the emergency fund may not be so used.

I find that the appropriation for travel of this Board for the current fiscal year was \$2,250., an amount considerably less than was estimated by the Board to be necessary. As a result of this legislative decision, the Board has curtailed its travel expense, permitting only so much each week as may be paid for by the share of the travel allowance allocable to that period. In pursuing this program, the Board has been able to make only a fraction of the inspections which it considers necessary. Nevertheless, this is the only means by which it can keep within its appropriation.

It must be assumed that the legislature knew such a course would be necessary and contemplated that the Board would limit its expense to the amount appropriated. Accordingly, it is my opinion that the use of the emergency fund to supplement this appropriation is not now justified.

As to whether use of the emergency fund would be authorized in the event that the money for travel of the Board were actually exhausted, no opinion can now be expressed.

Respectfully yours,

Maurice M. Blodgett
Deputy Attorney General

MBB:HP